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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,042	02/05/2002	Cory O. Nykoluk	26/1145US(2)	4190
38790	7590	04/07/2005	EXAMINER	
DEAN D. SMALL C/O ARMSTRONG TEASDALE LLP ONE METROPOLITAN SQUARE, SUITE 2600 ST. LOUIS, MO 63102-2740			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/072,042	NYKOLUK ET AL.	
	Examiner	Art Unit	
	Tri M. Mai	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,9,11-16 and 21-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8,9,11-16 and 21-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claim 46 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original disclosure does not teach the luggage having at least one arm and having a locking mechanism. The disclosure only teaches a container having **only** one arm.

1. Claims 8-9, 12-16, 23-27, 29, 31-33, 36-40, 42-44, and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Lu (6530459). Lu teaches a handle an arm, a pivot mechanism, a locking mechanism and locking means operate to limit the pivoting of the handles as claimed.

With respect to the single-pole arm, there are two single pole arms in Lu. The claims do not exclude the present of the other arm.

2. Claims 21, 22, 32, 34, 35, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu '101 in view of Lin (6179101). It would have been obvious to one of ordinary skill in the art to provide the receptacle accommodating the handle in Lu as taught by Lin to secure the handle.

With respect to the button being accessible, the combination of Lu in view of Lin would provide an "accessible" button since the button 37 is expose from the top view of the handle.

3. Claim 28, 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lu '101 in view of Kuo (6339863). It would have been obvious to one of ordinary skill in the art to provide

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an elliptical cross section for the arm in Lu as taught by Kuo to provide the desired shape for the arms and/or to enhance strength.

4. Claims 30, 43, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu '101 in view of either Williams et al. (4538709). It would have been obvious to one of ordinary skill in the art to provide the button align with the stem portion in Lu as taught by Williams et al. to provide the desired placement of the button.

5. Claims 8, 9, 11-13, 15, 16, 23-27, 31, 33, 36-40, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Lu (6530459). Lu teaches a handle an arm, a pivot mechanism, a locking mechanism and locking means operate to limit the pivoting of the handles as claimed.

With respect to the single-pole arm, there are two single pole arms in Lu. The claims do not exclude the present of the other arm.

6. Claims 21, 22, 32, 34, 35, 45, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu '101 in view of Lin (6179101). It would have been obvious to one of ordinary skill in the art to provide the receptacle accommodating the handle in Lu as taught by Lin to secure the handle.

7. Claims 28, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu '459 in view of Kuo (6339863). It would have been obvious to one of ordinary skill in the art to provide an elliptical cross section for the arm in Lu as taught by Kuo to provide the desired shape for the arms and/or to enhance strength.

8. Claims 8, 14, 15, 23-27, 29, 33, and 36-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (6182983). Kim teaches a baggage having a towing handle 532, 530, a

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single pole arm 520, a pivot mechanism 540 connecting the towing handle to the distal end of the arm.

Regarding claim 23, the release mechanism comprises the manual rotation of portion 540.

Regarding claim 29, note the stem portion 530.

9. Claims 8, 9, 11, 12, 15, 16, 23-27, 33, and 36-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (6332242). Chen teaches a baggage having a towing handle 532, 530, a single pole arm 12a, and a pivot mechanism connecting the towing handle to the distal end of the arm.

With respect to the single-pole arm, there are two single pole arms in Chen. The claims do not exclude the present of the other arm.

10. Claims 21, 22, 32, 34, 35, 45, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Lin (6179101). It would have been obvious to one of ordinary skill in the art to provide the receptacle accommodating the handle in Lu as taught by Lin to secure the handle.

11. Claims 28, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Kuo (6339863). It would have been obvious to one of ordinary skill in the art to provide an elliptical cross section for the arm in Lu as taught by Kuo to provide the desired shape for the arms and/or to enhance strength.

12. Applicant's arguments filed 01/06/05 have been fully considered but they are not persuasive.

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With respect to the Stilley reference, the rejection is withdrawn in view of the amendment. With respect to Lu '334 and Lu '459, it is noted that "single pole arm" does not exclude another pole arm. There are two single pole arms in each of LU '334 and Lu'459.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (571)272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
Art Unit 3727

